

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

Charles K. Verhoeven (Bar No. 170151)

2 charlesverhoeven@quinnemanuel.com

David A. Perlson (Bar No. 209502)

3 davidperlson@quinnemanuel.com

Melissa Baily (Bar No. 237649)

4 melissabaily@quinnemanuel.com

John Neukom (Bar No. 275887)

5 johnneukom@quinnemanuel.com

Jordan Jaffe (Bar No. 254886)

6 jordanjaffe@quinnemanuel.com

50 California Street, 22nd Floor

7 San Francisco, California 94111-4788

Telephone: (415) 875-6600

8 Facsimile: (415) 875-6700

9 Attorneys for WAYMO LLC

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WAYMO LLC,

13 Plaintiff,

14 vs.

15 UBER TECHNOLOGIES, INC.;
16 OTTOMOTTO LLC; OTTO TRUCKING
17 LLC,

18 Defendants.

CASE NO. 3:17-cv-00939-WHA

DECLARATION OF JEFF NARDINELLI

1 I, Jeffrey W. Nardinelli, hereby declare as follows.

2 1. I am a member of the bar of the State of California and an associate with Quinn
3 Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff Waymo LLC ("Waymo"). I make this
4 declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and
5 would testify competently as follows.

6 2. Attached hereto as Exhibit 1 is a true and correct copy of a document produced by
7 Uber in this action bearing Bates number UBER00326403.

8 3. Attached hereto as Exhibit 2 is a true and correct copy of a letter from Clayton
9 Halunen to Angela Padilla dated May 5, 2017.

10 4. Attached hereto as Exhibit 3 is a true and correct copy of a document produced by
11 Uber in this action bearing Bates number UBER00332644.

12 5. Attached hereto as Exhibit 4 is a true and correct copy of a document produced by
13 Uber in this action bearing Bates number UBER00330793.

14 6. Attached hereto as Exhibit 5 is a true and correct copy of a document produced by
15 Uber in this action bearing Bates number UBER00334501.

16 7. Attached hereto as Exhibit 6 is a true and correct copy of a document produced by
17 Uber in this action bearing Bates number UBER00332471.

18 8. Attached hereto as Exhibit 7 is a true and correct copy of a document produced by
19 Uber in this action bearing Bates number UBER00342163.

20 9. Attached hereto as Exhibit 8 is a true and correct copy of Uber's Privilege Log
21 Pursuant to Order Regarding Discovery Disputes (ECF No. 2415), provided to Waymo by counsel
22 for Defendants on December 22, 2017.

23 10. Attached hereto as Exhibit 9 is a true and correct copy of Privilege Log of MoFo
24 Communications Before November 22, 2017 that Substantively Refer to (1) 4/14/17 Jacobs
25 Resignation Email; (2) 5/5/17 Jacobs Ltr; (3) Jacobs Settlement Agmt, provided to Waymo by
26 counsel for Defendants on December 12, 2017.

27 11. Attached hereto as Exhibit 10 is a true and correct copy of Supplemental Privilege
28 Log of MoFo Communications Before November 22, 2017 that Refer to (1) 4/14/17 Jacobs

1 Resignation Email; (2) 5/5/17 Jacobs Ltr; (3) Jacobs Settlement Agmt, provided to Waymo by
2 counsel for Defendants on December 16, 2017.

3 12. Attached hereto as Exhibit 11 is a true and correct copy of Waymo LLC's First Set
4 of Interrogatories to Defendants Relating to Issues in Jacobs Letter, dated December 8, 2017.

5 13. Attached hereto as Exhibit 12 is a true and correct copy of Defendants' Objections
6 and Responses To Waymo's Requests For Production Relating To Issues In Jacobs Letter (Nos. 1-
7 40), dated December 11, 2017.

8 14. Attached hereto as Exhibit 13 is a true and correct copy of a document produced by
9 Uber in this action bearing Bates number UBER00336619.

10 15. Attached hereto as Exhibit 14 is a true and correct copy of a document produced by
11 Uber in this action bearing Bates number UBER00330967.

12 16. Attached hereto as Exhibit 15 is a true and correct copy of a document produced by
13 Uber in this action bearing Bates number UBER00329740.

14 17. Attached hereto as Exhibit 16 is a true and correct copy of an email from Scott
15 Boehmke to James Haslim dated October 28, 2016.

16 18. Attached hereto as Exhibit 17 is a true and correct copy of a document produced by
17 Uber in this action bearing Bates number UBER00338182.

18 19. Attached hereto as Exhibit 18 is a true and correct copy of a document produced by
19 Uber in this action bearing Bates number UBER00330929.

20 20. Attached hereto as Exhibit 19 is a true and correct copy of a document produced by
21 Uber in this action bearing Bates number UBER00328998.

22 21. Attached hereto as Exhibit 20 is a true and correct copy of a document produced by
23 Uber in this action bearing Bates number UBER00328994.

24 22. Attached hereto as Exhibit 21 is a true and correct copy of a document produced by
25 Uber in this action bearing Bates number UBER00336616.

26 23. Attached hereto as Exhibit 22 is a true and correct copy of a document produced by
27 Uber in this action bearing Bates number UBER00336631.

28

1 24. Attached hereto as Exhibit 23 is a true and correct copy of a document produced by
2 Uber in this action bearing Bates number UBER00330949.

3 25. Attached hereto as Exhibit 24 is a true and correct copy of a document produced by
4 Uber in this action bearing Bates number UBER00330899.

5 26. Earmarked as Exhibit 25 is a true and correct copy of video footage produced by
6 Uber in this action bearing Bates number UBER00336954, which will be lodged with the Court.

7 27. Earmarked as Exhibit 26 is a true and correct copy of video footage produced by
8 Uber in this action bearing Bates number UBER00336963, which will be lodged with the Court.

9 28. Attached hereto as Exhibit 27 is a true and correct copy of a document produced by
10 Uber in this action bearing Bates number UBER00327811.

11 29. Attached hereto as Exhibit 28 is a true and correct copy of an Inventory of Non-
12 Attributable Devices provided to Waymo by counsel for Defendants on December 4, 2017.

13 30. Attached hereto as Exhibit 29 is a true and correct copy of an Inventory of Non-
14 Attributable Devices provided to Waymo by counsel for Defendants on December 22, 2017.

15 31. Attached hereto as Exhibit 30 is a true and correct copy of an inventory of
16 Personnel Who Have Used Wickr or Similar Platform, provided to Waymo by counsel for
17 Defendants on December 4, 2017.

18 32. Attached hereto as Exhibit 31 is a true and correct copy of an inventory of
19 Personnel Who Have Used Wickr or Similar Platform, provided to Waymo by counsel for
20 Defendants on December 22, 2017.

21 33. Attached hereto as Exhibit 32 is a true and correct copy of a document produced by
22 Uber in this action bearing Bates number UBER00329010.

23 34. Attached hereto as Exhibit 33 is a true and correct copy of Waymo's Verified
24 Response to Discovery Order (Dkt. No. 2454), dated January 5, 2018.

25 35. Attached hereto as Exhibit 34 is a true and correct copy of a document produced by
26 Uber in this action bearing Bates number UBER00336585.

27 36. Attached hereto as Exhibit 35 is a true and correct copy of a document produced by
28 Uber in this action bearing Bates number UBER00328118.

1 37. Attached hereto as Exhibit 36 is a true and correct copy of a document produced by
2 Uber in this action bearing Bates number UBER00340305.

3 38. Attached hereto as Exhibit 37 is a true and correct copy of a document produced by
4 Uber in this action bearing Bates number UBER00337031.

5 39. Attached hereto as Exhibit 38 is a true and correct copy of a document produced by
6 Uber in this action bearing Bates number UBER00342026.

7 40. Attached hereto as Exhibit 39 is a true and correct copy of a document produced by
8 Uber in this action bearing Bates number UBER00076799.

9 41. Attached hereto as Exhibit 40 is a true and correct copy of a document produced by
10 Uber in this action bearing Bates number UBER00340637.

11 42. Attached hereto as Exhibit 41 is a true and correct copy of a document produced by
12 Uber in this action bearing Bates number UBER00340616.

13 43. Attached hereto as Exhibit 42 is a true and correct copy of a document produced by
14 Uber in this action bearing Bates number UBER00336927.

15 44. Attached hereto as Exhibit 43 is a true and correct copy of a document produced by
16 Uber in this action bearing Bates number UBER00336919.

17 45. Attached hereto as Exhibit 44 is a true and correct copy of a document produced by
18 Uber in this action bearing Bates number UBER00341463.

19 46. Attached hereto as Exhibit 45 is a true and correct copy of a document produced by
20 Uber in this action bearing Bates number UBER00336591.

21 47. Attached hereto as Exhibit 46 is a true and correct copy of an email between
22 counsel in this action dated November 30, 2017.

23 48. Attached hereto as Exhibit 47 is a true and correct copy of an email between
24 counsel in this action dated December 7, 2017.

25 49. Attached hereto as Exhibit 48 is a true and correct copy of Defendants' First
26 Supplemental Responses to Waymo's First Set of Interrogatories Relating to Issues in Jacobs
27 Letter (No. 1), dated January 8, 2018.

28

1 50. Attached hereto as Exhibit 49 is a true and correct copy of a document produced by
2 Uber in this action bearing Bates number UBER00338432.

3 51. Attached hereto as Exhibit 50 is a true and correct copy of a document produced by
4 Stroz Friedberg in this action bearing Bates number STROZ_0007034.

5 52. Attached hereto as Exhibit 51 is a true and correct copy of the Amended Privilege
6 Log Associated with Stroz Friedberg, LLC's Sept. 16, 2017 Production of Docs, provided to
7 Waymo by counsel for Uber on September 27, 2017.

8 53. Attached hereto as Exhibit 52 is a true and correct copy of the Declaration of Eric
9 Tate Regarding Jacobs Communications, dated December 15, 2017.

10 54. Attached hereto as Exhibit 53 is a true and correct copy of the Declaration of
11 Charles Duross Regarding Jacobs Communications, dated December 15, 2017.

12 55. Attached hereto as Exhibit 54 is a true and correct copy of a document produced by
13 Uber in this action bearing Bates number UBER00334507.

14 56. Attached hereto as Exhibit 55 is a true and correct copy of the Declaration of
15 Clayton Halunen, dated January 11, 2018..

16 57. Attached hereto as Exhibit 56 is a true and correct copy of a document produced by
17 Uber in this action bearing Bates number UBER00326370.

18 58. Attached hereto as Exhibit 57 is a true and correct copy of a document produced by
19 Uber in this action bearing Bates number UBER00326393.

20 59. Attached hereto as Exhibit 58 is a true and correct copy of a document produced by
21 Uber in this action bearing Bates number UBER00326386.

22 60. Attached hereto as Exhibit 59 is a true and correct copy of an email between
23 counsel in this action dated January 11, 2018.

24 61. Attached hereto as Exhibit 60 is a true and correct copy of a document produced by
25 Stroz Friedberg in this action bearing Bates number STROZ_001557.

26 62. Attached hereto as Exhibit 61 is a true and correct copy of a document produced by
27 Uber in this action bearing Bates number UBER00324084.

28

1 63. Attached hereto as Exhibit 62 is a true and correct copy of a document produced by
2 Uber in this action bearing Bates number UBER00312684.

3 64. Attached hereto as Exhibit 63 is a true and correct copy of a document produced by
4 Uber in this action bearing Bates number UBER00324612.

5 65. Attached hereto as Exhibit 64 is a true and correct copy of Waymo's First Set of
6 Expedited Interrogatories Pursuant to Paragraph Six of the May 11, 2017 Preliminary Injunction
7 Order (Nos. 1-9), dated May 22, 2017.

8 66. Attached hereto as Exhibit 65 is a true and correct copy of Defendants' Responses
9 to Waymo's First Set of Expedited Interrogatories Pursuant to Paragraph Six of the May 11, 2017
10 Preliminary Injunction Order (Nos. 1-9), dated June 5, 2017.

11 67. Attached hereto as Exhibit 66 is a true and correct copy of a document produced by
12 Uber in this action bearing Bates number UBER00068740.

13 68. Attached hereto as Exhibit 67 is a true and correct copy of a document produced by
14 Uber in this action bearing Bates number UBER00218264.

15 69. Attached hereto as Exhibit 68 is a true and correct copy of a document produced by
16 Uber in this action bearing Bates number UBER00218400.

17 70. Attached hereto as Exhibit 69 is a true and correct copy of a document produced by
18 Uber in this action bearing Bates number UBER00016983.

19 71. Attached hereto as Exhibit 70 is a true and correct copy of a document produced by
20 Uber in this action bearing Bates number UBER00073859.

21 72. Attached hereto as Exhibit 71 is a true and correct copy of a document produced by
22 Lior Ron in this action bearing Bates number RON0022532.

23 73. Attached hereto as Exhibit 72 is a true and correct copy of a document produced by
24 Lior Ron in this action bearing Bates number RON0022531.

25 74. Attached hereto as Exhibit 73 is a true and correct copy of a document produced by
26 Tyto in this action bearing Bates number TYTO-001331.

27 75. Attached hereto as Exhibit 74 is a true and correct copy of Defendants' Tyto
28 LiDAR Acquisition Categorical Privilege Log, dated August 30, 2017.

1 76. Attached hereto as Exhibit 75 is a true and correct copy of a document produced by
2 Uber in this action bearing Bates number UBER00109892.

3 77. Attached hereto as Exhibit 76 is a true and correct copy of a document produced by
4 Uber in this action bearing Bates number UBER00071397.

5 78. Attached hereto as Exhibit 77 is a true and correct copy of a document produced by
6 Uber in this action bearing Bates number UBER00100343.

7 79. Attached hereto as Exhibit 78 is a true and correct copy of a document produced by
8 Uber in this action bearing Bates number UBER00311294.

9 80. Attached hereto as Exhibit 79 is a true and correct copy of an email between
10 counsel in this action dated September 27, 2017.

11 81. Attached hereto as Exhibit 80 is a true and correct copy of an email between
12 counsel in this action dated November 17, 2017.

13 82. Attached hereto as Exhibit 81 is a true and correct copy of an email between
14 counsel in this action dated November 16, 2017.

15 83. Attached hereto as Exhibit 82 is a true and correct copy of an email between
16 counsel in this action dated November 16, 2017.

17 84. Attached hereto as Exhibit 83 is a true and correct copy of a document produced by
18 Uber in this action bearing Bates number UBER00099182.

19 85. Attached hereto as Exhibit 84 is a true and correct copy of a document produced by
20 Uber in this action bearing Bates number UBER00099282.

21 86. Attached hereto as Exhibit 85 is a true and correct copy of a document produced by
22 Uber in this action bearing Bates number UBER00218666.

23 87. Attached hereto as Exhibit 86 is a true and correct copy of a document produced by
24 Uber in this action bearing Bates number UBER00218437.

25 88. Attached hereto as Exhibit 87 is a true and correct copy of a document produced by
26 Uber in this action bearing Bates number UBER00086466.

27 89. Attached hereto as Exhibit 88 is a true and correct copy of a document produced by
28 Uber in this action bearing Bates number UBER00086483.

1 90. Attached hereto as Exhibit 89 is a true and correct copy of the Cross-Reference Of
2 Employee Attestations Produced In Uber_033 With April 10, 2017 Privilege Log Entries,
3 provided to Waymo by counsel for Defendants on May 26, 2017.

4 91. Attached hereto as Exhibit 90 is a true and correct copy of a document produced by
5 Uber in this action bearing Bates number UBER00017154.

6 92. Attached hereto as Exhibit 91 is INTENTIONALLY LEFT BLANK.

7 93. Attached hereto as Exhibit 92 is a true and correct copy of an email between
8 counsel in this action dated June 11, 2017.

9 94. Attached hereto as Exhibit 93 is a true and correct copy of a document produced by
10 Stroz Friedberg in this action bearing Bates number STROZ_R_000176128.

11 95. Attached hereto as Exhibit 94 is a true and correct copy of a document produced by
12 Stroz Friedberg in this action bearing Bates number STROZ_R_000176134.

13 96. Attached hereto as Exhibit 95 is a true and correct copy of a document produced by
14 Stroz Friedberg in this action bearing Bates number STROZ_R_000176238.

15 97. Attached hereto as Exhibit 96 is a true and correct copy of a document produced by
16 Uber in this action. Although the document is not marked with a Bates number, Uber identified
17 the document as Bates number UBER_AL_00014042.

18 98. Attached hereto as Exhibit 97 is a true and correct copy of a document produced by
19 Lior Ron in this action bearing Bates number RON0024085.

20 99. Attached hereto as Exhibit 98 is a true and correct copy of Tyto Lidar LLC's
21 Privilege Log, dated August 8, 2017.

22 100. Attached hereto as Exhibit 99 is a true and correct copy of Anthony Levandowski's
23 Privilege Log of Materials to be Walled Off from Waymo's Review - Updated September 25,
24 2017.

25 101. Attached hereto as Exhibit 100 is a true and correct copy of a document produced
26 by Tyto Lidar in this action bearing Bates number TYTO-001599.

27 102. Attached hereto as Exhibit 101 is a true and correct copy of a document produced
28 by Tyto Lidar in this action bearing Bates number TYTO-001600.

1 103. Attached hereto as Exhibit 102 is a true and correct copy of a document produced
2 by Uber in this action bearing Bates number UBER00199104.

3 104. Attached hereto as Exhibit 103 is a true and correct copy of a document produced
4 by Uber in this action bearing Bates number UBER00319664.

5 105. Attached hereto as Exhibit 104 is a true and correct copy of Uber's Supplemental
6 Privilege Log Pursuant to Order Regarding Discovery Disputes (ECF No. 2415), dated January
7 11, 2018.

8 106. Attached hereto as Exhibit A is a true and correct copy of excerpts of the deposition
9 of Salle Yoo, taken in this action on December 14, 2017.

10 107. Attached hereto as Exhibit B is a true and correct copy of excerpts of the deposition
11 of Angela Padilla, taken in this action on December 22, 2017.

12 108. Attached hereto as Exhibit C is a true and correct copy of excerpts of the deposition
13 of Joe Sullivan, taken in this action on December 14, 2017.

14 109. Attached hereto as Exhibit D is a true and correct copy of excerpts of the deposition
15 of David Trujillo, taken in this action on December 12, 2017.

16 110. Attached hereto as Exhibit E is a true and correct copy of excerpts of the deposition
17 of Arianna Huffington, taken in this action on December 19, 2017.

18 111. Attached hereto as Exhibit F is a true and correct copy of excerpts of the deposition
19 of Sidney Majalya, taken in this action on December 20, 2017.

20 112. Attached hereto as Exhibit G is a true and correct copy of excerpts of the deposition
21 of Edward Russo, taken in this action on December 20, 2017.

22 113. Attached hereto as Exhibit H is a true and correct copy of excerpts of the deposition
23 of Jake Nocon, taken in this action on December 19, 2017.

24 114. Attached hereto as Exhibit I is a true and correct copy of excerpts of the deposition
25 of Nick Gicinto, taken in this action on December 21, 2017.

26 115. Attached hereto as Exhibit J is a true and correct copy of excerpts of the deposition
27 of Craig Clark, taken in this action on December 22, 2017.

28

1 116. Attached hereto as Exhibit K is a true and correct copy of excerpts of the deposition
2 of Joe Spiegler, taken in this action on December 22, 2017.

3 117. Attached hereto as Exhibit L is a true and correct copy of excerpts of the deposition
4 of Richard Jacobs, taken in this action on December 20, 2017.

5 118. Attached hereto as Exhibit M is a true and correct copy of excerpts of the
6 deposition of Scott Johnston, taken in this action on December 14, 2017.

7 119. Attached hereto as Exhibit N is a true and correct copy of excerpts of the deposition
8 of Travis Kalanick, taken in this action on December 14, 2017.

9 120. Attached hereto as Exhibit O is INTENTIONALLY LEFT BLANK.

10 121. Attached hereto as Exhibit P is a true and correct copy of excerpts of the deposition
11 of Angela Padilla, taken in this action on October 2, 2017.

12 122. Attached hereto as Exhibit Q is a true and correct copy of the deposition of Ognen
13 Stojanowski, taken in this action on July 20, 2017.

14 123. Attached hereto as Exhibit R is a true and correct copy of excerpts of the deposition
15 of Anthony Levandowski, taken in this action on October 22, 2017.

16 124. Attached hereto as Exhibit S is a true and correct copy of excerpts of the deposition
17 of Anthony Levandowski, taken in this action on August 22, 2017.

18 125. Attached hereto as Exhibit T is a true and correct copy of excerpts of the deposition
19 of James Haslim, taken in this action on April 18, 2017.

20 126. Attached hereto as Exhibit U is a true and correct copy of excerpts of the deposition
21 of James Haslim, taken in this action on August 9, 2017.

22 127. Attached hereto as Exhibit V is a true and correct copy of excerpts of the deposition
23 of James Haslim, taken in this action on May 4, 2017.

24 128. Attached hereto as Exhibit W is a true and correct copy of excerpts of the
25 deposition of Lior Ron, taken in this action on June 19, 2017.

26 129. Attached hereto as Exhibit X is a true and correct copy of excerpts of the individual
27 deposition of Lior Ron, taken in this action on December 12, 2017.

28

Case No. 3:17-cv-00939-WHA
DECLARATION OF JEFF NARDINELLI